

**ETHICS COMMISSION
CITY AND COUNTY OF HONOLULU**



ADVISORY OPINION NO. 209

This advisory opinion is in response to a letter requesting advice from the Ethics Commission [Commission] as to whether a councilmember may accept the offer of a yacht club for an honorary membership for one year.

The Commission understands the facts relative to the councilmember's inquiry to be as follows:

On (date) the councilmember received a letter from the yacht club commending him for his support and interest in yachting, boating, fishing and other aquatic activities in Hawaii. Enclosed was a free and unsolicited Honorary Membership Card good for one year. It is the councilmember's understanding that he is the only member of the City Council who received such a membership. To his knowledge, the yacht club has not had any recent business with the City Council, nor is he aware of it having any impending business before the Council.

The ethical question present is whether an honorary membership at the yacht club constitutes a prohibited gift under the Standards of Conduct of the City and County of Honolulu.

The general rule in relation to his question is found in the Revised Charter of the City and County of Honolulu 1973 (1984 Ed.), Section 11-102.1, which states as follows:

No elected or appointed officer or employee shall ... [s]olicit or accept any gift, directly or indirectly, whether in the form of money, loan, gratuity, service, thing or promise, or in any other form, **under circumstances in which it can reasonably be inferred that the gift is intended to influence the officer or employee in the performance of such person's official duties** (emphasis added).

Based on the evidence presented, the Commission finds that it cannot reasonably be inferred that this gift is intended to influence the councilmember in the performance of his official duties, since the yacht club has no impending business before the City Council. Therefore, the honorary membership is not an impermissible gift. However, if any business should come before the City Council during the year which concerns the yacht club, he would be required to cancel his honorary membership and return his membership card to the club prior to any vote on the matter.

Dated: February 28, 1991

JANE B. FELLMETH
Chair, Ethics Commission